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April 15, 2024

Via ECF

Hon. Valerie Figueredo
United States District Court
for the Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States ex rel. Bassan v. Omnicare, Inc.*, No. 15 Civ. 4179 (CM) (VF)

Dear Judge Figueredo:

Under Rule I.g of Your Honor's Individual Practices and the Protective Order in this matter (ECF 102), we write on behalf of Defendants to request the Court permanently seal (i) Exhibits C through M (ECF 449-1 through 449-13) to the Government's motion to compel; and (ii) the unredacted version of that motion, which quotes from and otherwise paraphrases those exhibits (ECF 449). The Court granted the Government's motion to temporarily seal these documents, but the order states the Court "will advise the Clerk of the Court to remove the viewing restrictions" after 14 days. (ECF 452)

The exhibits, and the portions of the motion quoting and paraphrasing from them, should remain under seal because they contain commercially-sensitive and proprietary information, as defined in ¶ 4 of the Protective Order, and for that reason have been designated as "confidential."¹ Sealing is appropriate for that reason, particularly where, as here, any presumption of public access is "not particularly great" because they were submitted in connection with a discovery motion. *Alexander Interactive, Inc. v. Adorama, Inc.*, No. 12 CIV. 6608 PKC JCF, 2014 WL 4346174, at 2 (S.D.N.Y. Sept. 2, 2014). The Court previously ordered similar exhibits to discovery motions sealed for these reasons. See, e.g., ECF 353, 360, 367.

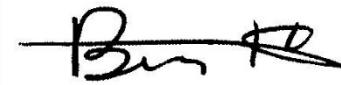
¹ Exhibit F is an excerpt of the deposition transcript of Omnicare's employee Heather Barber. Defendants only designated portions of that transcript as "confidential," and Defendants only are seeking to seal the designated portions the government has cited (234:10–23; 236:9–237:1).

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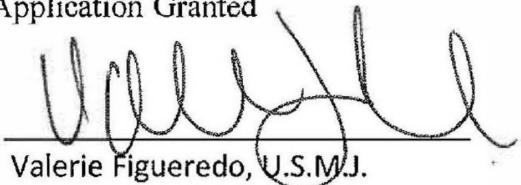
We appreciate the Court's consideration.

Sincerely,



Benjamin Hazelwood

Application Granted



Valerie Figueredo, U.S.M.J.

DATED: April 16, 2024

The Clerk of Court is directed to maintain the viewing restrictions on ECF Nos. 449 and 449-1 through 449-13.
The Clerk of Court is respectfully directed to terminate the Motion at ECF No. 456.